

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

JIMMY HEARD ]  
Plaintiff, ]  
] ]  
v. ] No. 3:07-0738  
] Judge Echols  
TRUMAN JONES, et al. ]  
Defendants. ]

**ORDER**

On July 12, 2007, an Order (Docket Entry No. 7) was entered dismissing the instant *pro se* prisoner action as frivolous. Since the entry of this Order, the plaintiff has filed a Motion to Reconsider (Docket Entry No. 13) the dismissal.

A motion to reconsider is treated as a motion to alter or amend judgment under Rule 59(e) of the Federal Rules of Civil Procedure. McDowell v. Dynamics Corporation of America, 931 F.2d 380, 382 (6<sup>th</sup> Cir. 1991). Rule 59(e) provides that a motion to alter or amend judgment "shall be filed no later than 10 days after entry of the judgment." The plaintiff's motion to alter or amend judgment was filed on November 16, 2007, well beyond the expiration of the 10 day period. Rule 6(a), Fed. R. Civ. P. Accordingly, plaintiff's motion is untimely and is hereby DENIED.

It is so ORDERED.



Robert L. Echols  
United States District Judge